

House File 2157 - Introduced

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BY WOLFE and R. OLSON

A BILL FOR

1 An Act relating to expunging certain criminal records.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.9, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. At the expiration of the period of probation if the
4 fees imposed under section 905.14 and court debt collected
5 pursuant to section 602.8107 have been paid, the court shall
6 order the discharge of the person from probation. If portions
7 of the court debt remain unpaid, the person shall establish a
8 payment plan with the clerk of the district court or the county
9 attorney prior to the discharge. The court shall forward to
10 the governor a recommendation for or against restoration of
11 citizenship rights to that person upon discharge. A person
12 who has been discharged from probation shall no longer be
13 held to answer for the person's offense. Upon discharge
14 from probation, if judgment has been deferred under section
15 907.3, the court's criminal record with reference to the
16 deferred judgment, any counts dismissed by the court, which
17 were contained in the indictment, information, or complaint
18 that resulted in the deferred judgment, and any other related
19 charges that were not contained in the indictment, information,
20 or complaint but were dismissed, shall be expunged. The record
21 maintained by the state court administrator as required by
22 section 907.4 shall not be expunged. The court's record shall
23 not be expunged in any other circumstances.

24 EXPLANATION

25 This bill relates to expunging certain criminal records.
26 Under the bill, upon the discharge of a person on probation
27 for a deferred judgment, the court's criminal record of any
28 counts dismissed by the court, which were contained in the
29 indictment, information, or complaint that resulted in the
30 deferred judgment, and any other related charges that were not
31 contained in the indictment, information, or complaint but were
32 dismissed, shall be expunged in the same manner as the record
33 of the deferred judgment is expunged.